

## **AMENDMENTS TO THE DRAWINGS**

Please enter Replacement Sheet 3 in the Drawings.

## REMARKS

Paragraphs 77 and 78, claims 67, 88, and 89, and Figure 5 are amended to correct an error of translation. No new matter is added thereby, as the present amendments find support at least in previously pending claims 33 and 43 and in paragraphs 13 and 79 of the written description.

In the Office Action issued July 14, 2009:

Claim 67 was rejected under 35 USC § 112(2) as indefinite for reciting “preferably”;

Claims 51, 52, 58-76, and 84-91 were rejected under 35 USC § 102(b) as anticipated by Takizawa (U.S. Pat. No. 5,859,515); and

Claims 53-57, 77-80, and 83 were objected to as depending from rejected base claims, but were indicated as allowable if amended to independent form.

Applicants respectfully traverse the objections and rejections for the reasons stated below.

### **Rejection of claim 67 under 35 USC § 112**

Claim 67 was rejected under 35 USC § 112(2) as indefinite for reciting “preferably”. As amended, claim 67 no longer recites “preferably”. Accordingly, Applicants respectfully request that the rejection of claim 67 under 35 USC § 112(2) be withdrawn.

### **Rejections of claims 51, 52, 58-76, and 84-91 as anticipated by Takizawa**

Claims 51, 52, 58-76, and 84-91 were rejected under 35 USC § 102(b) as anticipated by Takizawa (U.S. Pat. No. 5,859,515). The anticipation rejections are improper because Takizawa does not identically show or disclose every element of the rejected claims. See *In re Bond*, 910 F.2d 831 (1990).

In particular, independent claims 51, 88, and 89, as amended, specifically recite a machine or method for producing workpieces having a helicoidal generated surface, wherein a virtual axis is used as a guiding axis for activating mechanical axes. Takizawa fails to show or disclose a machine or method for

producing workpieces having a helicoidal generated surface. At most, Takizawa discloses an apparatus for synchronously controlling the operation of a machine using one or more motors, such as servo motors, by simulating in program form a combination of selectable machine mechanisms, including drivers, connecting shafts, clutches, gears and cams. Each of Takizawa's machine mechanisms is represented by a virtual mechanism as a software module that contains information uniquely identifying the module, operation information that defines the generation of position information, and connection information that defines other modules to which connection is made. (See Takizawa, Abstract). Takizawa does not show, disclose, teach, or even suggest any method for controlling or programming Takizawa's software modules to accomplish production of a workpiece having a helicoidal generated surface, as recited by independent claims 51, 88, and 89. Thus, Takizawa fails to show or disclose how his apparatus could be used to produce helicoidal surfaces such as helicoidal gears.

Since Takizawa fails to show or disclose every recitation of claim 51, claim 88, or claim 89, Takizawa does not anticipate claims 51, 88, and 89. At least because claims 52, 58-76, and 84-87 depend from claim 51, Takizawa also does not anticipate claims 52-87. At least because claims 90 and 91 depend from claims 88 and 89, respectively, Takizawa also does not anticipate claims 90 and 91. Accordingly, Applicants respectfully request that Examiner withdraw the anticipation rejections of claims 51, 52, 58-76, and 84-91 over Takizawa.

## **Conclusion**

Applicants have shown that claims 51, 52, 58-76, and 84-91 are clearly distinguishable from the cited prior art, and therefore request that the anticipation rejections of claims 51, 52, 58-76, and 84-91 be withdrawn. Additionally, as independent claim 51 is allowable, Applicants further request that the objections to dependent claims 53-57, 77-80, and 83 be withdrawn. However, if Examiner believes any issues remain outstanding to prevent allowance of the claims presented herein, Applicants respectfully request that Examiner contact Applicants' Attorneys so as to expedite resolution of such issues.

Applicants believe no fees are due in connection with this Amendment and Response. If any fees are deemed necessary, Applicants' Attorneys hereby authorize the Commissioner to deduct such fees from our Deposit Account 13-0235.

Respectfully submitted,

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